

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

SHIRLEY L. PHELPS-ROPER,)	CASE NO. 4:09CV3268
)	
Plaintiff,)	
)	
v.)	ORDER
)	
DAVE HEINEMAN, et al.,)	
)	
Defendants.)	

This matter is before the Court on the Motion to Continue and Stay Proceedings (Filing No. 102) submitted by Defendants Dave Heineman and Jon Bruning. Defendants seek to stay proceedings and continue the hearing on Plaintiff's Motion for Preliminary Injunction until the United States Court of Appeals for the Eighth Circuit resolves Plaintiff's petition for interlocutory appeal. Although the Court will deny the motion, at the time of the hearing it will entertain argument regarding whether Plaintiff's notice of appeal divests this Court of jurisdiction and whether a stay of proceedings is appropriate.

Accordingly,

IT IS ORDERED: The Motion to Continue and Stay Proceedings (Filing No. 102), submitted by Defendants Dave Heineman and Jon Bruning, is denied without prejudice to the Motion to Stay being revisited at the time of the hearing.

DATED this 6th day of May, 2010.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge